IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 11.04.2007

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Petition No.6087 of 2007
& M.P.Nos.1 & 2 of 2007

Radha Pandian
rep. by Power Agent A.Srinivasan
No.30, Venkatachalla Mudali Street,
Park Town, Chennai-600 003. .. Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.

2.The Assistant Executive Engineer,
Corporation of Chennai Zone VII,
Corporation Indoor Stadium,
Lake Area, Nungambakkam,
Chennai-600 034.

3.E.Ramachandran .. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct the respondents 1 and 2 to take immediate action against the unauthorised and illegal construction put up by the third respondent at No.28, ROB Main Street, Halls Garden, Royapettah, Chennai-600 014, comprised in R.S.No.344/B1 in accordance with law based on the petitioner's representation dated 28.12.2006.

For Petitioner : Mr.N.Chandra Raj
For Respondents 1& 2 : Mr.G.T.Subramanian
For 3rd respondent : Mr.T.Karthik Srinath

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ORDER

(Order of the Court was delivered by P. SATHASIVAM, J.)

The petitioner has approached this Court to issue a Writ of Mandamus directing respondents 1 and 2 to take action against the unauthorised and illegal construction put up by the third respondent at No.28, ROB Main Street, Halls Garden, Royapettah, Chennai-600 014, comprised in R.S.No.344/B1 in accordance with law based on the petitioner's representation dated 28.12.2006.

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2. Pursuant to the direction of this Court, respondents 1 and 2 filed two reports dated 10.04.2007 and 11.04.2007. The third respondent has also filed a counter affidavit dated 09.04.2007.

3. On going through the averments in the affidavit filed in support of the above writ petition, reports of Respondents 1 and 2 and counter affidavit of the third respondent, we are of the view that the issue raised in this writ petition cannot be gone into by this Court while exercising jurisdiction under Article 226 of the Constitution of India. On this ground, without expressing anything on merits of the claim of all the parties, we dismiss the writ petition with a liberty to the parties concerned to approach the appropriate Forum to vindicate their grievances, if they are so interested. No costs. Consequently, M.P.Nos.1 and 2 of 2007 are also dismissed.

raa

Sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.

2.The Assistant Executive Engineer,
Corporation of Chennai Zone VII,
Corporation Indoor Stadium,
Lake Area, Nungambakkam,
Chennai-600 034.

+1 cc to Mr.G.T.Subramanian, Advocate Sr.No.23104.

+1 cc to mr.T.Karthicksrinath, Advocate Sr.No.23247.

+1 cc to Mr.N.Chandraraj Advocate Sr.No.23018.

GV(CO)
dcp/19.4.07

W.P.No.6087 of 2007

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